

**PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:**

1. Utility Patent Application - Continuation of U.S. Serial No. 09/957,620
2. Fee Transmittal (in triplicate)
3. Specification, Claims, Abstract (58 pages)
4. Drawings (21 pages)
5. Copies of Declaration & Power of Attorney...
6. Copies of Assignment and Recordal Notice
7. Check in the amount of \$770.00
8. Certificate of Express Mail EV 985195477 US dated January 8, 2004
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22581 U.S. PTO  
10/753248



010804

Applicant: David T. Green et al.  
For: APPARATUS AND METHOD FOR APPLYING SURGICAL  
STAPLES TO ATTACH AN OBJECT TO BODY TISSUE  
Docket: 203-630 cipconfwc3con2  
RRK:mb

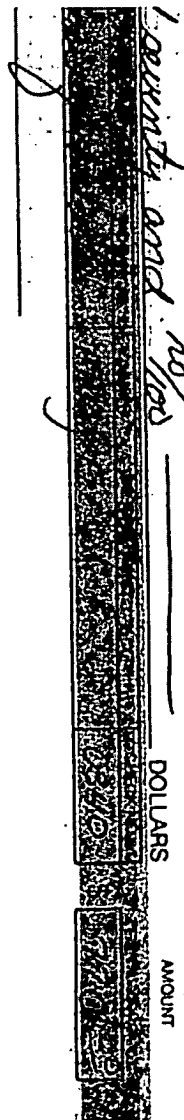
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**CARTER, DELUCA, FARRELL & SCHMIDT LLP**  
ATTORNEY AT LAW  
455 BROADHOLLOW RD., SUITE 225  
MELVILLE, NY 11767

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*David M. Carter*

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	1253CIPCONFWC3CON2 (203-630CIPCONFWC3CON2)
First Inventor	David T. Green
Title	Apparatus and Method for Applying ...
Express Mail Label No.	EL 985195477 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 58)  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) (Total Sheets 21)
5. Oath or Declaration (Total Sheets 7)
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
  - c. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ Paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☒ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other. Check in the amount of \$.....  
Copy of Assignment Recordal/Assignment.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/957,620.....

Prior application information:

Examiner Julian W. Woo

Art Unit: 3731

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number:  OR ☒ Correspondence address below

Name	Chief Patent Counsel				
Address	U.S. Surgical, A Division of Tyco Healthcare Group, LP				
	150 Glover Avenue				
City	Norwalk	State	Connecticut	Zip Code	06856
Country	US	Telephone	203-845-1000	Fax	203-848-5988
Name (Print/Type)	Russell R. Kassner		Registration No. (Attorney/Agent)	36,183	
Signature			Date	January 8, 2004	

CERTIFICATION UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited with the United States Postal Service on date below in an envelope as "Express Mail Post Office to Addressee" Mail Label Number EL 985195477 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 8, 2004

Russell R. Kassner

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): David T. Green et al.

Continuation of:

Serial No.: 09/957,620

Group: To be assigned

Filed: Concurrently herewith

Dated: January 8, 2004

Docket: 1253CIPCONFWC3CON2 (203-630CIPCONFWC3CON2)

For: APPARATUS AND METHOD FOR APPLYING SURGICAL STAPLES TO  
ATTACH AN OBJECT TO BODY TISSUE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRELIMINARY AMENDMENT**

Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.

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**CERTIFICATION UNDER 37 C.F.R. 81.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service on this date January 8, 2004 in an envelope as "Express Mail Post Office to Addressee" Mail Label No. EL 985195477 US addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Russell R. Kassner

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**Amendments to the Specification:**

Please replace the paragraph entitled "CROSS-REFERENCE TO RELATED APPLICATION" on page 1, with the following rewritten paragraph:

**--CROSS-REFERENCE TO RELATED APPLICATIONS**

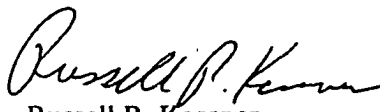
This application is a continuation of U.S. application No. 09/957,620, filed September 20, 2001, which is a continuation application of No. 08/959,644, filed on October 28, 1997, now abandoned, which is a continuation of application No. 08/714,911, filed on September 17, 1996, now abandoned, which is a continuation of application No. 08/540,728, filed on October 11, 1995, now abandoned, which is a continuation of application No. 08/318,585, filed on October 5, 1994, now abandoned, which is a continuation of application No. 07/861,065, filed on March 31, 1992, now Pat. No. 5,364,002, which is a continuation-in-part of application No. 07/782,290, filed on October 18, 1991, now Pat. No. 5,289,963.--

**REMARKS**

It is believed that the claims of this application are in condition for allowance.

Early and favorable consideration of this application is respectfully requested.

Respectfully submitted,



Russell R. Kassner

Reg. No. 36,183

Attorney for Applicant(s)

- ♦ CARTER, DELUCA, FARRELL & SCHMIDT LLP  
445 Broad Hollow Road, Suite 225  
Melville, New York 11747  
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